

## REMARKS

Claims 1-26 are pending and claims 1-26 stand rejected. Claims 1, 19, and 22 have been amended to provide further clarification of the invention. The Office action rejected claims 1-26 under 35 USC § 102(e) as being anticipated by Sheha et al. U.S. Pat. App. 2003/0036848 (hereinafter “Sheha”). Applicant respectfully believes that the rejections have been traversed in light of the following remarks. All of the claims as amended in the present application are believed to be patentable over Sheha and the Examiner’s reconsideration is respectfully requested.

### Response to New Arguments

The Office action argues on page 9 of the present Office action that Sheha teaches “a particular location that is different than the current location” per the claimed invention in its description:

“Find me the best rated electronic store chain that has stored in New Jersey and California.” This would be useful for a user living in New Jersey who is going to buy a T, but knows he or she will be living in California in a few months and may want to return or have it repaired in California if it breaks....(Sheha specification, para. #20)

As will be described in more detail below, Applicant respectfully disagrees that Sheha teaches “a particular location that is different than the current location” consistent with the claimed invention. This response addresses this new argument separately for the purpose of clarity.

The functionality described by Sheha in paragraph #20 above is simply a characteristic of points of interest associated with the *current* location of the user, and is does not teach or suggest receiving ratings for points of interest within a geographic proximity of the *particular, different* location. The sentences in Sheha preceding the quote cited in the Office action make this clear:

It is still another object of the invention to provide a method of searching, using various search methods, an entire chain or franchise based on various quality factors, such as store locations, and enabling the user to check if a POI associated with the chain or franchise is within a given area. Additionally, directions can be provided to the desired POI based on

the user's position information. In one embodiment, this search allows users to search specifically for a chain or franchise, which may offer better nationwide return policies, or user satisfaction, for example, and this search can also indicate the store branch near a given location. Users can also obtain real-time driving directions from their current position to the desired store with the use of a navigational device. "Find me the best rated electronic store chain that has stored in New Jersey and California." This would be useful for a user living in New Jersey who is going to buy a T, but knows he or she will be living in California in a few months and may want to return or have it repaired in California if it breaks....(Sheha specification, para. #20)

As can be seen above, Sheha teaches finding stores near the user's "given location" (in New Jersey) that happen to have the characteristic of being part of a chain that has other stores in a distant location (California). Sheha does not disclose points of interest in the distant location – the returned points of interest are stores "within the given area" that are part of national chains. Sheha, in fact, teaches away from the claimed invention in that a user driving in New Jersey will not want to receive driving directions to points of interest in California as it is thousands of miles away. The user simply wants a point of interest near his or her current location that is part of a national chain so that they can drive to the store and purchase the TV. The results of the Sheha search will be points of interest in New Jersey, not California – they will just be points of interest in New Jersey that have some relation to a chain of stores with locations in California. Sheha clearly is solving a different problem and providing a different solution than the claimed invention.

### Claim rejections under 35 USC § 102

Claims 1-26 stand rejected under 35 USC § 102(e) as being anticipated by Sheha. Applicant respectfully contends that the rejections with respect to claims 1-26 as amended are traversed in the following remarks.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference.<sup>1</sup> Furthermore, the identical invention must be shown in as complete detail as is contained in the claim.<sup>2</sup>

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<sup>1</sup> *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

<sup>2</sup> *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

### **Claim 1**

In regards to amended independent claim 1, Sheha fails to describe, suggest or teach “each and every element as set forth in the claim[s]” and thus fails to anticipate amended claim 1. In particular, amended claim 1 states in part:

interacting by a wireless device with the user to determine the particular location based upon the current location in response to an inquiry from the user at the current location about receiving rating information about points of interest that are within a specified geographic proximity of the particular location that is different than the user’s current location ....

Sheha instead teaches a method of searching for points of interest (POIs) and their ratings based on the user’s *current position* as determined by a navigational device instead of searching based on a particular, different location. (Sheha Specification, para. #0062-0063). The user of Sheha may select a search distance (as shown on the search distance display 904 of FIG 9) to specify a radius around the user’s *current position* for which search results will be returned. (Sheha Specification, para. # 0065). The Sheha system then searches based on the user’s *current position* and the input search distance parameter and then returns the results. (Sheha Specification, para. #0066-0067, 0076, and 0020). The search results include a variety of POIs that met the search criteria and were within the search distance. (Sheha Specification, para. #0068, 0020).

Sheha does not disclose or suggest interacting with the user by a wireless device to determine the particular location based on the current location. As described previously, the Sheha system only utilizes the *current location* to produce its search results and thus the wireless device does not determine a particular location. (Sheha Specification, para. #0066-0067, 0076). The other locations of Sheha besides the current location are POIs are part of the search results as determined by a distant server (and not the wireless device), and are not a particular location that will be the basis for a search as required by amended claim 1. (Sheha Specification, para. #0068). Accordingly, Sheha does not teach or suggest, expressly or inherently, the teachings of amended independent claim 1.

Sheha also fails to disclose or suggest providing rating information for POIs within a specified geographical proximity of the particular, different location instead of

rating information based on the user's current location. Amended claim 1 states "transmitting by the wireless device an indication of the particular location to a wireless network to request the rating information, wherein the rating information comprises ratings for one or more points of interest within a specified geographical proximity of the particular, different location". Sheha, in contrast, does not disclose or suggest transmitting the particular location to a wireless network to request the rating information. Sheha does transmit the user's *current location* over a wireless network so as to receive information about nearby POIs to the *current location*, but Sheha does not transmit a *particular location* (that differs from the current location by the differential information) to request rating information for POIs within a specified geographical proximity of the *particular, different* location. (Sheha Specification, para. #0065). For example, the Sheha system finds POIs "closest to the user's current position minimizing the drive time off the route." (Sheha Specification, para. #0076). Similarly, Sheha does not disclose or suggest rating information including "ratings for one or more points of interest within a specified geographical proximity of the particular, different location" and instead discloses ratings for points of interest near a user's current location. (Sheha Specification, para #0058). Sheha also discloses finding POIs close to the user that happen to have other, related stores (as part of a chain) in distant locations, but Sheha does not disclose transmitting an indication of the particular location to request rating information for POIs within a specified geographical proximity of the particular, different location. (Sheha, Specification, para #0002).

Simply put, Sheha discloses methods and systems "for enabling a navigational device to search, rate, and navigate POIs from a navigational device's current position", and does not disclose providing rating information for points of interest within a specified geographic proximity of the particular, different location rather than the user's current location as required by amended claim 1. (Sheha Specification, para #0058). The fact that some search results of Sheha might include a reference to a store near the user's current position that is part of a national chain of stores does not change the fact that Sheha does not disclose providing rating information for points of interest within a specified geographic proximity of the particular, different location rather than the user's current location.

Sheha does not teach or suggest, expressly or inherently, multiple limitations of claim 1 as amended for the reasons described above and other reasons. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn and that claim 1 be allowed.

### **Claims 2-9**

Claims 2-9, being dependent upon claim 1, incorporate the limitations of claim 1. As discussed previously, Sheha does not teach or suggest, expressly or inherently, multiple limitations of claim 1. Sheha similarly does not teach or suggest, expressly or inherently, multiple limitations of claims 2-9 for the reasons described for claim 1, for reasons described herein, and for other reasons. Applicant therefore respectfully requests that the rejections of claims 2-9 be withdrawn and the claims allowed. While the Office action's individual rejections of particular dependent claims are now moot in light of the arguments presented above and need not be addressed, arguments from previous responses are hereby incorporated by reference.

### **Claim 10-18**

In regards to independent claim 10, Sheha does not teach or suggest, expressly or inherently, multiple limitations of independent claim 10 for the reasons described above for claim 1 as well as other reasons. Further, claims 11-18, being dependent upon claim 10, incorporate the limitations of claim 10. Sheha does not teach or suggest, expressly or inherently, multiple limitations of claims 11-18 for the reasons described for claim 10 and for other reasons. Accordingly, Applicant respectfully requests that the rejection of claims 10-18 be withdrawn and the claims be allowed.

### **Claims 19-21**

In regards to amended independent claim 19, Sheha does not teach or suggest, expressly or inherently, multiple limitations of independent claim 19 for the reasons described above for claim 1 as well as other reasons. Further, claims 20-21, being dependent upon claim 19, incorporate the limitations of claim 19. Sheha does not teach or suggest, expressly or inherently, multiple limitations of claims 20-21 for the reasons

described for claim 19 and for other reasons. Accordingly, Applicant respectfully requests that the rejection of claims 19-21 be withdrawn and the claims be allowed.

**Claim 22-26**

In regards to amended independent claim 22, Sheha does not teach or suggest, expressly or inherently, multiple limitations of independent claim 22 for the reasons described above for claim 1 as well as other reasons. Further, claims 23-26, being dependent upon claim 22, incorporate the limitations of claim 22. Sheha does not teach or suggest, expressly or inherently, multiple limitations of claims 23-26 for the reasons described for claim 22 and for other reasons. Accordingly, Applicant respectfully requests that the rejection of claims 22-26 be withdrawn and the claims be allowed.

## CONCLUSION

In the present response, Applicant amended claims 1, 19, and 22 and responded to the Office action's claim rejections under 35 USC § 102. Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the Office action. In light of the amendments made herein and the accompanying remarks, Applicant respectfully traverses the rejections in the Office action and believes that the pending claims as amended are in condition for allowance.

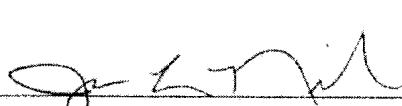
Accordingly, Applicant respectfully requests that the rejections be withdrawn, pending claims 1-26 be allowed, and application advance toward issuance. If the Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at (207) 322-1351.

No fee is believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 09-0447 for any such required fee.

Respectfully submitted,

Date

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